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EXAMINER

CHUGHTAI, SARWAT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,001	Applicant(s) HAIKOLA ET AL.	
	Examiner SARWAT CHUGHTAI	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Response to Arguments

1. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (5,282,246) in the view of Peiker (6,775,561 B1).

Regarding claim 1, Yang discloses, holding device for a mobile telephone (**See Column 2, Lines 13 and Figure 1; whereas Yang discloses mobile telephone rack**), said holding device comprising a holding surface (**See Column 2, Lines 45-47; whereas Yang discloses receiving chamber**), a head-holding bracket spaced from the holding surface (**See Figure 3 and Element 51, 11, 13; whereas Yang discloses in the figure the element 51, microphone is placed on the head of the rack, which is parallel to receiving chamber**), and a pressing unit (**See Column 2, Lines 53-54 and Figure 3, Element 151; whereas yang discloses spring leaf**), in which the

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pressing unit comprises an pressing element which is configured to exert, on a foot area of the mobile telephone **(See column 2, Lines 52-56; whereas Yang discloses hooked member fastened at the top by a spring leaf, which is located at the foot area of the mobile telephone)**, where the head-holding bracket and a foot-holding bracket are furthermore provided to secure the mobile telephone on the holding surface against a force in the transverse direction **(See Column 1, Lines 31-44 and Figure 3, Element 6; whereas Yang discloses the rack is suitable for holding any variety of mobile telephones and mobile telephone 6, is fastened into the rack from both sides hooked members)**, where the holding device is made of multiple parts and comprises an annular holder which comprises at least the head-holding bracket, and where the annular holder is formed, in a plan view, essentially in the form of a frame **(See Column 2, Lines 43-58 and Figure 3).**

Yang explicitly fails to disclose, a holding force (Fhold) parallel to the longitudinal axis of the mobile telephone while the mobile telephone is held by the holding device so that a head area of the mobile telephone is pressed against the head-holding bracket and elastic pressing element which is configured to exert, on a foot area of the mobile telephone.

However, Peiker discloses, a holding force (Fhold) parallel to the longitudinal axis of the mobile telephone while the mobile telephone is held by the holding device so that a head area of the mobile telephone is pressed against the head-holding bracket **(See Column 4, Lines 60-67 and Figure 4; whereas Peiker discloses how the radio**

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telephone is inserted in to the head region of the holder) and elastic pressing element which is configured to exert, on a foot area of the mobile telephone **(See Column 4, Lines 45-49; and Figure 4, Element 315; whereas Peiker discloses spring located at the other end on the holder)**. It would have been obvious at the time the invention was made to ordinary skill in the art to modify the mobile telephone rack of Yang with inserting the radio telephone into the holder as taught by Peiker, because it would provide technique how the mobile telephone is held by the holding device and how the mobile telephone is pressed against the head holding region.

Regarding claim 2, Yang discloses, which the annular holder has, in a side view, an essentially U-shaped or V-shaped form **(See Figure 3; whereas Yang discloses receiving chamber as U-shaped)**.

Regarding claim 3, Yang discloses, which the annular holder comprises the foot-holding bracket **(See Column 2, 44-47 and Figure 3, Element 152; whereas Yang discloses hooked member)**.

Regarding claim 4, Yang discloses, which the holding device is composed of individual components, where the components comprise a main tray with a receptacle for a coupling unit and a coupling holder and with a receptacle for a foot tray **(See Column 2, 44-47 and Figure 3, Element 152; whereas Yang discloses hooked member)**, the pressing unit **(See Column 2, Lines 52-55; whereas Yang discloses**

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spring leaf), and the annular holder (See Column 2, Lines 25-26; whereas Yang discloses receiving chamber).

Regarding claim 5, Yang discloses, which the pressing unit can be displaced against a restoring force if a displacing force is exerted on the pressing unit for the **(See Column 2, Lines 52-56 and Figure 3, Element 151, 14)**, where the longitudinal axis of the mobile telephone and where the restoring force results from the displacement of the pressing element of the pressing unit **(See Column 2, Lines 52-56 and Figure 3, Element 151, 14; whereas Yang discloses spring leaf that can be put forced on, according to the length of the mobile telephone and to fastened in the mobile telephone into the rack).**

Yang explicitly fails to discloses, insertion of the mobile telephone at an acute angle (α) and angle (α) is defined by the holding surface.

However, Peiker discloses, insertion of the mobile telephone at an acute angle (α) and angle (α) is defined by the holding surface **(See Column 3, Lines 33-39 and Figure 1, Element a; whereas Peiker discloses the head of the radio telephone is rotated in a direction of the end region of the holder).**

It would have been obvious at the time the invention was made to ordinary skill in the art to modify the mobile telephone exerting force on spring leaf by Yang with input of the radio telephone in rotated direction as taught by Peiker, because it would provide the insertion of the mobile device at an acute angle.

Regarding claim 6, Yang discloses, which the pressing unit can be displaced by a predetermined displacement ($\Delta Y2$) by the mobile telephone guided so that the mobile telephone can, by a pivoting motion, be pivoted into the holding device (**See Column 2, Lines 52-56 and Figure 3, Element 151, 14; whereas Yang discloses spring leaf that can be put forced on, according to the length of the mobile telephone and to fasten in the mobile telephone into the rack**).

Yang explicitly fails to disclose, an acute angle (α).

However, Peiker discloses, an acute angle (α) (**See Column 3, Lines 33-39 and Figure 1, Element a; whereas Peiker discloses the head of the radio telephone is rotated in a direction of the end region of the holder**). It would have been obvious at the time the invention was made to ordinary skill in the art to modify the mobile telephone exerting force on spring leaf by Yang with input of the radio telephone in rotated direction as taught by Peiker, because it would provide the mobile telephone guided in an acute angle when placed into the holder.

Regarding claim 7, Yang discloses, which the pressing unit, due to the pressing element having no force acting on it, is in a neutral position ($Y0$) so that the pressing unit and the head-holding bracket are spaced from one another by a predetermined length (YH) which corresponds to the extension of the mobile telephone in the longitudinal direction less a predetermined difference in length ($\Delta Y3$) (**See Column 2,**

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lines 45-40 and Figure 3, Elements 13, 14), where the displacement of the pressing unit by the predetermined difference in length ($\Delta Y3$) has as a consequence the holding force (F_{hold}) (See Column 2, Lines 52-58 and Figure 3, Element 153; whereas Yang discloses hooked member that is used to fasten the mobile telephone).

Regarding claim 8, Yang discloses, which the head- holding bracket has a level ($\Delta Y1$) which is defined parallel with respect to the holding surface, where the level ($\Delta Y1$) is less than the predetermined displacement ($\Delta Y2$) **(See Figure 3 and Element 51, 11, 13; whereas Yang discloses in the figure the element 51, microphone is placed on the head of the rack, which is parallel to receiving chamber).**

Regarding claim 9, Yang discloses, which the pressing element is adapted, in case of an impact which can be transmitted from the holding device to the inserted mobile telephone, to react elastically by the pressing unit being displaced by the mobile telephone as a consequence of the action of a force resulting from the impact so that the impact on the mobile telephone is dampened **(See Column 2, Lines 52-56 and Figure 3, Element 151, 14; whereas Yang discloses spring and a spring leaf that can be put forced on, according to the length of the mobile telephone and to fasten in the mobile telephone into the rack).**

Regarding claim 10, Yang explicitly fails to disclose, the pressing unit comprises a contact unit which is suitable to electrically couple with a corresponding contact unit of the mobile telephone.

However, Peiker discloses, the pressing unit comprises a contact unit which is suitable to electrically couple with a corresponding contact unit of the mobile telephone **(See Column 4, Lines 33-38 and Figure 4, Element 303; whereas discloses contact making unit is connected electrically to the cable supply)**. It would have been obvious at the time the invention was made to ordinary skill in the art to modify the mobile telephone rack of Yang with contact making unit as taught by Peiker, because it would provide mobile telephone holder with a pressing unit that is electrically coupled to the contact unit.

Regarding claim 11, Yang discloses, which the pressing unit comprises a flexible circuit board conductor which is electrically connected to the contact unit.

However, Peiker discloses, which the pressing unit comprises a flexible circuit board conductor which is electrically connected to the contact unit **(See Column 4, Lines 41-52 and Figure 4, Element 310; whereas Peiker discloses push rod that is guided inward)**. It would have been obvious at the time the invention was made to ordinary skill in the art to modify the mobile telephone rack of Yang with contact making unit as taught by Peiker, because it would provide mobile telephone holder with a pressing unit that is electrically connected to the contact unit.

Regarding claim 12, Yang discloses, which the elastic pressing element has essentially the elastic properties of a spring **(See Column 2, Lines 45-47 Figure 3, Element 14; whereas yang discloses a spring is located at the bottom of the supporting board).**

Regarding claim 13, Yang discloses, which the holding device is configured in such a manner that gripping surfaces of the mobile telephone are disposed on the side and remain freely accessible **(See Figure 3; whereas Yang discloses a telephone rack with sides freely accessible).**

Regarding claim 14, Yang explicitly fails to disclose, which the holding device comprises a coupling unit which is configured to at least one of capacitively or inductively couple wireless signals with an antenna of the mobile telephone.

However, Peiker discloses, holding device comprises a coupling unit which is configured to at least one of capacitively or inductively couple wireless signals with an antenna of the mobile telephone **(See Abstract and Column 4, Lines 20-23; whereas Peiker discloses the holder serves for connecting a hands free talking facility, antenna and power supply, therefore it would have the ability to get wireless signals).** It would have been obvious at the time the invention was made to ordinary skill in the art to modify the mobile telephone rack of Yang with holder that serves antenna and power supply as taught by Peiker, because it would provide mobile telephone holder with coupling unit that configured to receiving wireless signals.

Regarding claim 15, Yang discloses, wherein the contact unit is carried by and movable with the pressing unit (**See Column 2, Lines 45-46 and Figure 3, Elements 12, 13**).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARWAT CHUGHTAI whose telephone number is (571)270-7272. The examiner can normally be reached on Mon-Thurs 8:30AM-7:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SARWAT CHUGHTAI/

Examiner, Art Unit 2617

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617